

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE BAKERY AND CONFECTIONERY
UNION AND INDUSTRY INTERNATIONAL
PENSION FUND PENSION PLAN**

Case No.: 11-01471 (VB)

RAFAEL ALCANTARA, et al.,

Plaintiffs,

v.

Case No.: 11-01471 (VB)

**BAKERY AND CONFECTIONERY UNION
AND INDUSTRY INTERNATIONAL
PENSION FUND PENSION PLAN, et al.**

Defendants.

GARRETT SCHOL, et al.,

Plaintiffs,

v.

Case No.: 11-04080 (VB)

**BAKERY AND CONFECTIONERY UNION
AND INDUSTRY INTERNATIONAL
PENSION FUND PENSION PLAN, et al.**

Defendants.

PHILLIP G. SCOTT, et al.,

Plaintiffs,

v.

Case No.: 12-00142 (VB)

**BAKERY AND CONFECTIONERY UNION
AND INDUSTRY INTERNATIONAL
PENSION FUND, et al.,**

Defendants.

**NOTICE OF ALCANTARA, SCHOL AND SCOTT PLAINTIFFS'
MOTION FOR AWARD OF ATTORNEY'S FEES AND COSTS**

PLEASE TAKE NOTICE that Plaintiffs in the above-captioned actions will move this Court, before the Honorable Vincent L. Briccetti, United States District Judge, at the United States District Court for the Southern District of New York, located at the Hon. Charles L. Brieant Jr. Federal Building and Courthouse at 300 Quarropas Street, White Plains, New York 10601, on December 1, 2014, for an Order awarding counsel for the Plaintiffs attorney's fees in the amount of \$4,157,511, reimbursement of costs expenses in the amount of \$63,887, both of which were incurred in connection with the prosecution and successful resolution of this action, and also awarding such additional fees, costs, and expenses as may be incurred in the litigation of the instant application.

In support of this motion, Plaintiffs will rely upon (a) the accompanying memorandum of law; (b) the record and all prior proceedings herein; (c) the Declaration of Lynn L. Sarko and Exhibits A-E thereto, and the supporting Declarations of Jeffrey Lewis and R. Joseph Barton; (d) the Declaration of William D. Frumkin and Exhibits A & B thereto, and the supporting Declaration of Scott Riemer; (e) the Declaration of Diogenes P. Kekatos and Exhibits A & B thereto, and the supporting Declaration of Fred Taylor Isquith and Exhibit A thereto; (f) the Declaration of Thomas O'Neal Sinclair and Attachment thereto, and the supporting Declaration of Scott M. Riemer; and (g) the Declaration of W. Daniel "Dee" Miles, III and Exhibit thereto, and the supporting Declaration of Eric F. Gladbach.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Individual Practices of Judge Vincent I. Briccetti, the instant motion will be on submission and oral argument will not be heard, unless so directed by the Court.

PLEASE TAKE FURTHER NOTICE that, pursuant to the revised schedule approved by the Court on September 4, 2014, Defendants' papers in opposition to the instant motion are due on October 31, 2014.

DATED: Seattle, Washington
September 22, 2014

Christopher A. Seeger
cseeger@seegerweiss.com
Diogenes P. Kekatos
dkekatos@seegerweiss.com
SEEGER WEISS, LLP
77 Water Street, 26th Floor
New York, NY 10005-4401
Telephone: 212-584-0700
Attorneys for Schol Plaintiffs

By: /s/ Lynn L. Sarko
Lynn L. Sarko
lsarko@kellerrohrback.com
Derek W. Loeser
dloeser@kellerrohrback.com
Erin M. Riley
eriley@kellerrohrback.com
KELLER ROHRBACK L.L.P.
1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
Telephone: 206-623-1900
Attorneys for Alcantara Plaintiffs

William D. Frumkin
wfrumkin@frumkinhunter.com
Elizabeth E. Hunter
ehunter@frumkinhunter.com
FRUMKIN & HUNTER LLP
1024 Westchester Avenue, Suite 309
White Plains, New York 10604
Telephone: 914-468-6096
Attorneys for Alcantara Plaintiffs

David S. Preminger
dpreminger@kellerrohrback.com
KELLER ROHRBACK L.L.P.
1140 Avenue of The Americas, 9th Floor
New York, NY, 10036
Telephone: 646-380-6690
Attorneys for Alcantara Plaintiffs

Thomas O. Sinclair
tos@sinclairwilliams.com
SINCLAIR WILLIAMS, LLC
2100-A Southbridge Parkway, Suite 336
Birmingham, AL 35209
Telephone: 205-868-0818
Attorneys for Scott Plaintiffs

W. Daniel Miles, III
dee.miles@beasleyallen.com
BEASLEY ALLEN CROW METHVIN
PORTIS & MILES PC
P O Box 4160
Montgomery, AL 36103-4160
Telephone: 334-269-2343
Attorneys for Scott Plaintiffs